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7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 RENATO CONSUEGRA-CLEMENTE,
14 Defendant.
15

Case No. 2:20-cr-018-JCM-EJY

**STIPULATION TO CONTINUE
TRIAL DATES**
(Fifth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
17 Acting United States Attorney, and Allison Reese, Assistant United States Attorney, counsel
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Katherine Tanaka, Assistant Federal Public Defender, counsel for Renato Consuegra-Clemente,
20 that the calendar call currently scheduled for October 27, 2021, and the trial currently scheduled
21 for November 1, 2021, be vacated and continued to a date and time convenient to the Court, but
22 no sooner than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

24 1. Defense counsel was recently assigned to represent Mr. Consuegra-Clemente.
25 Counsel for the defendant needs additional time to review discovery in order to determine
26

whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the fifth request to continue trial dates filed herein.

DATED this 6th day of October 2021.

RENE L. VALLADARES
Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

By /s/ Katherine Tanaka

By /s/ Allison Reese

KATHERINE TANAKA
Assistant Federal Public Defender

ALLISON REESE
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 RENATO CONSUEGRA-CLEMENTE,

7 Defendant.

Case No. 2:20-cr-018-JCM-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Defense counsel was recently assigned to represent Mr. Consuegra-Clemente.
14 Counsel for the defendant needs additional time to review discovery in order to determine
15 whether there are any pretrial issues that must be litigated and whether the case will ultimately
16 go to trial or will be resolved through negotiations.

17 2. The defendant is incarcerated and does not object to the continuance.

18 3. The parties agree to the continuance.

19 4. The additional time requested herein is not sought for purposes of delay, but
20 merely to allow counsel for defendant sufficient time within which to be able to effectively and
21 complete investigation of the discovery materials provided.

22 5. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excludable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the ____ day of _____, 2021, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for October 27, 2021, at 1:30 p.m., be vacated and continued to _____ at the hour of ____:____.m.; and the trial currently scheduled for November 1, 2021, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ____:____.m.

DATED this ____ day of October 2021.

UNITED STATES DISTRICT JUDGE